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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[*on the report of the Fifth Committee (A/53/755)*]

53/212. Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

The General Assembly,

Taking note of the reports of the Secretary-General on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

Recalling its resolution 47/235 of 14 September 1993 on the financing of the International Tribunal for the former Yugoslavia and its subsequent resolutions thereon, the latest of which was resolution 52/217 of 22 December 1997,

Recalling also that, by paragraph 5 of its resolution 52/217, it agreed to defer the consideration of the pension entitlement for members of the International Tribunal for the former Yugoslavia proposed in the report of the Secretary-General on conditions of service for the judges of the International Tribunals[3] until

[1] A/C.5/53/12 and A/C.5/53/13.

[2] A/53/651.

[3] A/52/520.

the review of the report of the Secretary-General on the emoluments and pension scheme of members of the International Court of Justice,[4] submitted to the General Assembly at its fifty-third session,

1. *Takes note* of the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[2] subject to the provisions of the present resolution;

2. *Expresses its concern* about the late submission of the budget proposals for the year 1999, and reiterates the request it made in resolution 50/212 C of 7 June 1996 that future budget proposals be submitted before 1 November of each year;

3. *Also expresses its concern* about the format of the presentation of the 1999 budget proposals which was not succinct, was repetitious in some instances, lacked justification in certain cases and was inconsistent at times;

4. *Requests* the Secretary-General to improve the presentation of future budget proposals, which should also take into account the provisions of the present resolution;

5. *Also requests* the Secretary-General, with a view to evaluating the effective operation and functioning of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, with the objective of ensuring the efficient use of the resources of the Tribunals, to conduct a review in full cooperation with the Presidents of the Tribunals, as recommended by the Advisory Committee in its reports,[5] and in the statement made by the Chairman of the Advisory Committee before the Fifth Committee at its 37th meeting,[6] without prejudice to the provisions of the statutes of the Tribunals and their independent character, and to report thereon to the relevant organs of the United Nations;

6. *Further requests* the Secretary-General to submit the report called for in paragraph 5 above, along with the budget proposals for the year 2000, no later than 1 November 1999;

7. *Expresses concern* about the high vacancy rate in the Professional and General Service categories of staff of the International Tribunal for the former Yugoslavia, and requests the Secretary-General to take all necessary measures, including those relating to the recruitment process, to address this situation, and to report thereon to the General Assembly in the budget proposals for the year 2000;

8. *Requests* the Secretary-General to include information on the monthly post incumbency in future budget proposals;

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[4] A/C.5/53/11.

[5] A/53/651, paras. 65–67, and A/53/659, paras. 84–86.

[6] See *Official Records of the General Assembly, Fifty-third Session, Fifth Committee*, 37th meeting (A/C.5/53/SR.37), para. 43, and corrigendum.

9. *Reaffirms* that the use of gratis personnel shall be phased out by 31 December 1998, in accordance with paragraph 2 of its resolution 52/217 of 22 December 1997;

10. *Also reaffirms* that gratis personnel should be treated in accordance with the provisions of its resolutions 51/243 of 15 September 1997 and 52/234 of 26 June 1998;

11. *Emphasizes* that the delegation of authority for human resources management should be strictly in accordance with the existing Staff Regulations and Rules of the United Nations;

12. *Also emphasizes* that the recruitment of staff in the International Tribunal for the former Yugoslavia should be in accordance with Article 101, paragraph 3, of the Charter of the United Nations;

13. *Notes with concern* that a number of workload indicators are inaccurate, inflated and unjustifiable;

14. *Requests* the Secretary-General to ensure that the workload indicators are monitored and checked for accuracy and consistency;

15. *Also requests* the Secretary-General to include a section in future budget proposals on the implementation of the recommendations of oversight bodies;

16. *Further requests* the Secretary-General to maintain an accounting inventory record of the furniture and equipment acquired for the International Tribunal for the former Yugoslavia since its establishment (purchase and depreciation), in accordance with the relevant regulations and rules and relevant resolutions of the General Assembly, and to provide a succinct summary of that information in the next report on the financing of the Tribunal;

17. *Requests* the Secretary-General to include in future budget proposals information on those items in the current inventory for which proposals for replacement and/or additions are made, in the format used in peacekeeping budget proposals;

18. *Also requests* the Secretary-General to take all necessary actions to ensure that the International Tribunal for the former Yugoslavia is administered with maximum efficiency and economy;

19. *Stresses* the need to provide the International Tribunal for the former Yugoslavia with adequate resources to fulfil its mandated activities and to respond effectively to new challenges, and emphasizes the need for the efficient and effective use of its resources;

20. *Approves* the budgetary recommendations of the Advisory Committee as contained in paragraph 27 of its report;[2]

21. *Notes* that, by its resolution 53/214 of 18 December 1998, the General Assembly has approved revised emoluments and other conditions of service, including the pension entitlement, for members of the International Tribunals, resulting in additional requirements of 219,700 United States dollars net in 1999, as recommended by the Advisory Committee,[7] for the International Tribunal for the former Yugoslavia;

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[7] See A/53/7/Add.6. For the final text, see *Official Records of the General Assembly, Fifty-third Session, Supplement No. 7.*

22. *Decides* that the five Professional and two General Service posts in The Hague, currently funded against the budget of the International Tribunal for Rwanda, should be transferred from the staffing table and the related financial provisions of the International Tribunal for Rwanda to the staffing table and the budget of the International Tribunal for the former Yugoslavia, effective 1 January 1999, resulting in additional requirements of 666,900 dollars gross (551,800 dollars net) in 1999 for the International Tribunal for the former Yugoslavia;

23. *Also decides* to revise the level of appropriation for the year 1998 to the Special Account for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 to a total amount of 68,314,500 dollars gross (61,941,400 dollars net) for the period from 1 January to 31 December 1998;

24. *Further decides* to appropriate to the Special Account for the International Tribunal for the former Yugoslavia a total amount of 103,437,600 dollars gross (94,103,800 dollars net) for the period from 1 January to 31 December 1999, which includes provisions for revised emoluments and other conditions of service, including the pension entitlement, for members of the International Tribunals;

25. *Decides* that the financing of the appropriation for the period from 1 January to 31 December 1999 under the Special Account for the International Tribunal for the former Yugoslavia shall take into account the amount of 3,537,800 dollars, being the unencumbered balance for 1997, the reduction of 515,300 dollars gross (390,200 dollars net) from the initial appropriation for 1998 and the estimated income of 5,200 dollars for 1999, which shall be set off against the aggregate amount of the appropriation, as detailed in the annex to the present resolution;

26. *Also decides* to apportion the amount of 49,689,650 dollars gross (45,087,900 dollars net) among Member States, in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 1999;

27. *Further decides* to apportion the amount of 49,689,650 dollars gross (45,087,900 dollars net) among Member States, in accordance with the scale of assessments applicable to peacekeeping operations for the year 1999;

28. *Decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 26 and 27 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 9,203,500 dollars approved for the International Tribunal for the former Yugoslavia for the period from 1 January to 31 December 1999;

29. *Welcomes* contributions already made to the Voluntary Fund to support the activities of the International Tribunal for the former Yugoslavia, and invites Member States and other interested parties to make voluntary contributions to the Tribunal both in cash and in the form of services and supplies acceptable to the Secretary-General.

93rd plenary meeting
18 December 1998

ANNEX

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

	Gross	*Net*
		(United States dollars)
Appropriation for the period from 1 January to 31 December 1999	102 551 000	93 332 300
Financial implications of General Assembly resolution 53/214	219 700	219 700
Provisions for those posts to be transferred from the budget of the International Tribunal for Rwanda	666 900	551 800
Total appropriation for the period from 1 January to 31 December 1999	103 437 600	94 103 800
Less:		
Reduction in the appropriation for 1998	(515 300)	(390 200)
Estimated income for the period from 1 January to 31 December 1999	(5 200)	—
Unencumbered balance as at 31 December 1997	(3 537 800)	(3 537 800)
Balance to be assessed for the period from 1 January to 31 December 1999	99 379 300	90 175 800
Of which:		
Contributions to be assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 1999	49 689 650	45 087 900
Contributions to be assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations for the year 1999	49 689 650	45 087 900